

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

LUCRETIA MONGER

PLAINTIFF

V.

NO. 3:18CV0151-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

FINAL JUDGMENT

This cause is before the court on Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying claims for a period of disability and disability insurance benefits and supplemental security income. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The court, having reviewed the administrative record, the briefs of the parties, and the applicable law, and having heard oral argument, finds as follows:

Consistent with the court's ruling from the bench during a hearing held June 12, 2019, the court finds the ALJ's residual functional capacity ("RFC") determination is not supported by substantial evidence in the record. Specifically, the ALJ failed to consider relevant evidence in the file related to the claimant's degenerative joint disease of the hips and knees and "advanced" osteoarthritis of the right knee. Indeed, the ALJ made several statements that there was little to no support in the medical record for limitations associated with these impairments and "no supporting radiology" despite the existence of two CT scans which had been brought to the ALJ's attention by claimant's counsel during the administrative hearing. The ALJ's error was not harmless, considering the overlooked evidence supported the claimant's subjective complaints and likely supports a more limited RFC.

On remand, the ALJ must consider all the evidence in the claimant's file related to her physical impairments. If necessary, the ALJ must order a consultative examination of the claimant and request a function-by-function assessment of RFC from the consultative examiner. Additionally, if necessary, the ALJ must obtain supplemental vocational expert evidence. Ultimately, the ALJ may conduct any further proceedings deemed necessary, but which are not inconsistent with this order, and must issue a new decision.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is REVERSED and REMANDED for further proceedings.

This, the 18th day of June, 2019.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE